



Colorado Northwestern Community College
Attn: Chris Brubaker, WestCEL Coordinator
500 Kennedy Drive
Rangely, Colorado 81648
Phone: 970-675-3287
cbrubaker@westcel.org

DOCKET FILE COPY ORIGINAL

Friday, October 19, 2001

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

In the matter of: Request for Review by WestCEL of Decision of Universal Service
Administrator

CC Docket Nos. 96-45 and 97-21

Applicant: WestCEL
Billed Entity Number: 210085
471 Application Number: 266135

Confirmed
MAR 07 2002
Distribution Center

All of the Funding Requests on the Form-471 Application were "Denied in full" for failing to meet the 28-day waiting period of the posting of the Form-470.

According to the response of the Appeal of Administrators Decision, dated October 1, 2001, "FCC rules require that except under limited circumstances, all Forms 470 received be posted on the website for 28 days prior to your signing and/or submitting your Form 471."

WestCEL is requesting an appeal of this decision based on a limited circumstance.

Please note in the Appeal of Administrators Decision, first bullet, they did not respond to my inquiry about their posting of material on their website pertaining to the filing deadline of the Form 470.

As outlined in my initial appeal, I was completely new to the E-rate discounts program and nothing on their website, prior to December 20th, indicated what the official filing deadline for a Form 470 was so that a person could have it posted for 28 days and still make the Form 471 filing deadline of January 18.

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Attachment



Colorado Northwestern Community College
Attn: Chris Brubaker
500 Kennedy Drive
Rangely, Colorado 81648
Phone: 970-675-3287
Fax: 970-675-3343
cbrubaker@westcel.org

Wednesday, August 22, 2001

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Appeal of Funding Commitment Decision Letter

Applicant Name: WestCEL
Applicant Contact: Chris Brubaker
Applicant Address: 500 Kennedy Drive, Rangely, CO 81648
Applicant Phone: 970-675-3287
Applicant E-mail: cbrubaker@westcel.org

Form 471 Application Number: 266135
Funding Year – 4: 07/01/2001 – 06/30/2002
Billed Entity Number: 210085

Denial

All FRN's were denied based on "28 Day Waiting Period Violated."

Funding Commitment Decision Explanation: "The Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD web Site."

Applicant Name: WestCEL
Applicant Contact: Chris Brubaker
Applicant Address: 500 Kennedy Drive, Rangely, CO 81648
Applicant Phone: 970-675-3287
Applicant E-mail: cbrubaker@westcel.org

Form 471 Application Number: 266135
Funding Year – 4: 07/01/2001 – 06/30/2002
Billed Entity Number: 210085

- 1.) I was hired by the WestCEL project in May of 2000. Not having worked with telecommunications I was new to the entire process of filing for E-rate discounts. I followed what was submitted in prior years, but did not understand filing deadlines and “open windows for filing.” I was not sure of the window deadlines between filing a Form-470 and then a Form-471. I never saw any information on the USAC web-site that indicated one must file the 470 no later than December 20, 2000 in order to make the 28-day posting and still meet the 471 window closing.
- 2.) On January 16, 2001 it became apparent that I was going to miss the window closing for the Form-471 by waiting for the 28-day posting period of the Form-470. This would mean the WestCEL request would be rejected outright. I choose to file eight (8) days before the end of the 28 day period because; (a) I did not want to miss the filing deadline for the Form-471 and have the application rejected outright; (b) I knew that WestCEL was going to continue to use the same telecommunications Service Providers they have used over the past four years; and (c) I had seen copies of signed contracts with major telecommunication Service Providers that were valid through June, 2002 by WestCEL, d.b.a. NWBOCES.
- 3.) The WestCEL Consortium provides its members with Internet access, compressed-video courses between schools, web hosting for schools, and e-mail. It has point-to-point T-1 lines located at 16 different high schools, in 12 different school districts. Without e-rate, current FRN's total over \$125,000, the consortium will not be able to provide their students with this educational advantage.
- 4.) I would greatly appreciate your consideration of this oversight on my part and reconsider allowing for the FRN's to be approved as submitted.

Sincerely,



Chris Brubaker
WestCEL Coordinator

Cc: Colorado Department of Education, CDE, Commissioner Moloney
Jan Wilder, CDE Special Projects Coordinator

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In the matter of: Request for Review by WestCEL of Decision of Universal Service Administrator

CC Docket Nos. 96-45 and 97-21

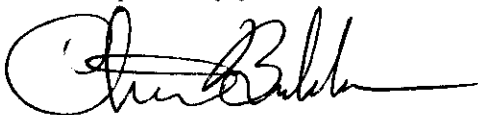
Applicant: WestCEL
Billed Entity Number: 210085
471 Application Number: 266135

It wasn't until early January that I finally figured out that I was going to miss the closing date for filing the Form 471 and as indicated in my appeal, I had the choice of either filing early, or waiting the full 28 days and filing the Form 471 after the window closed, which then would have meant my application would have been rejected outright.

I am requesting that FCC overturn the Administrator's Decision on the basis of insufficient information being provided by USAC regarding the filing deadline of the Form-470.

Also I am asking for relief on behalf of the 12 different school districts located in the rural and remote parts of northwest and west central Colorado. Without this funding, amounting to \$125,000, the consortium will not survive and these schools and districts will lose all of their telecommunications connections including both video-conferencing capabilities and access to the Internet by their students.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Chris Brubaker", with a stylized, flowing script.

Chris Brubaker
WestCEL Coordinator

Enclosures: WestCEL Appeal of Funding Commitment Decision Letter
Administrator's Decision on Appeal – Funding Year 2001-2002

Attachment

Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

October 1, 2001

Chris Brubaker
WestCEL
500 Kennedy Drive
Rangely, CO 81648

Re: Billed Entry Number: 210085
471 Application Number: 266135
Funding Request Number(s): 703980, 704000, 704006, 704007, 704010,
704014, 704017, 704018, 704023, 704040,
704041, 704042, 704044, 704053, 704054,
704055, 704056, 704057, 704058, 704059,
704060, 704061, 704062, 704068, 704071,
704073, 704077, 704081, 704084, 704089,
704100, 704103, 704104, 704107, 704111,
704113, 704114, 704117, 706043, 706045,
706046

Your Correspondence Dated: August 21, 2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 30-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 703980, 704000, 704006, 704007, 704010, 704014,
704017, 704018, 704023, 704040, 704041, 704042, 704044, 704053, 704054, 704055,
704056, 704057, 704058, 704059, 704060, 704061, 704062, 704068, 704071, 704073,
704077, 704081, 704084, 704089, 704100, 704103, 704104, 704107, 704111, 704113,
704114, 704117, 706043, 706045, 706046

Decision on Appeal: **Denied in full**

Explanation:

- Your appeal stated that you did not understand filing deadlines and "open windows for filing." You never saw any information on the USAC website that indicated one must file the 470 no later than December 20, 2000 in order to make the 28-day posting and still meet the 471 window closing. You chose to file eight days before the end of the 28-day waiting period because you did not want to miss the filing deadline for the Form 471 and have the application rejected outright.
- Your Form 470 (Application Number: 144930000341174) was posted on 12/27/2000. In your Form 470 Receipt Notification Letter, SLD notified you that the earliest date upon which you could sign and submit your Form 471 was 01/24/2001. You have not claimed that this Form 471 relates to a different Form 470 other than the Form 470 indicated above. Consequently, SLD denies your appeal because your application did not comply with the competitive bidding requirement that your Form 470 be posted on the website for 28 days prior to your signing and/or submitting your Form 471.
- You signed and/or submitted your Form 471 prior to the expiration of the 28 day posting period. FCC rules require that except under limited circumstances, all Forms 470 received be posted on the website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. See 47 C.F.R. §§ 54.504, 54.511(a), (c). FCC rules further require that the Administrator send the applicant a confirmation when the Form 470 has been posted, and inform the applicant of the date after which the applicant may sign a contract with the vendor it selects. See 47 C.F.R. § 54.504(b)(4). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098 ¶ 9 (1997).

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted on the website at <www.universalservice.org>. You must file your appeal with the FCC no later than 30 days from the date on this letter for your appeal to be filed in a timely fashion.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company